

REMARKS

In light of the foregoing amendments, claims 1, 3-10, 13-16 and 19-23 are pending. Claim 11 has been withdrawn as being drawn to a non-elected invention and claim 19 has been amended to recite elected SEQ ID NO. 4. Additionally, the Applicant has amended the claims to focus the Examiner's attention on methods using dsRNA. Applicant reserves the right to pursue claims directed to the use of other compositions and/or compounds in this or a later-filed application.

35 U.S.C. § 112, Second Paragraph

The Examiner has rejected claims 7 and 14-16 under 35 U.S.C. § 112, second paragraph as being indefinite. Claim 7 has been amended to clarify that the claim is directed a composition, which includes, among others, a pharmaceutical composition. Claim 14 has been canceled and incorporated into claim 1.

35 U.S.C. § 112, First Paragraph

The Examiner has rejected claims 1, 3-10, 13 and 20-23 under 35 U.S.C. § 112, first paragraph as containing subject matter that was not described in the specification to reasonably convey to one skilled in the art that the inventor(s) had possession of the claimed invention. Applicant respectfully disagrees.

As amended, the claims are directed to the use of compositions that comprise a dsRNA compound. As acknowledged by the Examiner, dsRNA provides specific structural and functional guidance that enables one ordinarily skilled in the art to envision the genus of compounds that may be used in the claimed methods. Accordingly, Applicant requests that this rejection be withdrawn.

35 U.S.C. § 102

The Examiner rejected claims 1, 3-10, 13, 21-23 under 35 U.S.C. § 102(b) as being anticipated by Robinson et al. As acknowledged by the Examiner, Robinson discloses the use of an antisense oligonucleotide. The claims, as currently amended, are directed to the use of dsRNA, therefore Robinson fails to meet each and every limitation of the claims. Accordingly, the claims are not anticipated and Applicant requests that the rejection be withdrawn.

35 U.S.C. § 103

The Examiner rejected claims 19 and 20 under 35 U.S.C. § 103(a) as being unpatentable over Robinson, Dryja, Weber, and Epstein. As stated above, the claims, as currently amended, are directed to the use of dsRNA. None of the cited references alone or in combination teach the use of dsRNA. Accordingly, a *prima facie* case of obviousness has not been established and Applicant requests that the rejection be withdrawn.

CONCLUSION

Applicants have timely filed this response. In the event that a fee is required for this response, the Commissioner is hereby authorized to charge such fees to Deposit Account No. 50-0436.

Should the Examiner have any questions or comments, or need any additional information from Applicants' attorney, he is invited to contact the undersigned at his convenience.

Respectfully submitted,

By: 

Raymond A. Miller
Reg. No. 42,891

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PEPPER HAMILTON LLP
500 Grant Street
One Mellon Bank Center, 50th Floor
Pittsburgh, PA 15219
(412) 454-5813
(412) 281-0717 - facsimile